

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 08-402V

Filed: March 7, 2014

Not for Publication

RICKY HARRIS and JAMILA HARRIS, *
as Parents and Natural Guardians of *
M.M.H., a Minor, *

Petitioners, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

Anne C. Toale, Sarasota, FL, for petitioner.

Voris E. Johnson, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION ORDERING REPAYMENT OF EXCESS ATTORNEYS' FEES AND DIRECTING ADDITIONAL JUDGMENT¹

On January 9, 2014, the parties filed a stipulation of fact, in which they agreed on an appropriate amount for attorneys' fees and costs. On January 10, 2014, the undersigned issued a decision awarding petitioner \$110,422.59 in attorneys' fees and costs and \$24,577.41 in petitioners' costs. Judgment entered on January 14, 2014.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to redact such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall redact such material from public access.

On March 7, 2014, the parties filed a Joint Motion to Amend/Correct Judgment pursuant to Rule 60(a) of the Rules of the United States Court of Federal Claims. Following judgment, respondent forwarded payment in the form of checks made payable to petitioners and their counsel. These checks were received and negotiated. Petitioners' counsel subsequently discovered an inadvertent error in calculating her firm's litigation costs; specifically, a retainer payment to one of her experts was incorrectly accounted for, resulting in an overpayment to petitioners' counsel by \$2,000.00. The parties request that the Clerk issue judgment directing petitioner's counsel to send a check for \$2,000.00 to the Department of Health and Human Services.

The undersigned finds the parties' request to be reasonable. Accordingly, the court directs the clerk to enter an additional judgment in favor of respondent in the amount of **\$2,000.00**, representing reimbursement for the overpayment for attorneys' fees and costs. The award shall be in the form of a check made payable to the U.S. Department of Health and Human Services with the case name and number referenced in the memo line. The check shall be sent to:

Ms. Cheryl Lee
Division of Vaccine Injury Compensation/HRSA
5600 Fishers Lane, 11C-26
Rockville, MD 20857

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.²

IT IS SO ORDERED.

Dated: March 7, 2014

/s/ Laura D. Millman
Laura D. Millman
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party, either separately or jointly, filing a notice renouncing the right to seek review.